

**Testimony in Opposition to Senate Bill 1240
On Behalf of the Negligence Law Section, State Bar of Michigan**

December 4, 2012

Good morning Chairperson Kurtz and members of the committee.

My name is Todd Tennis, and I am the lobbyist for the Negligence Law Section of the State Bar of Michigan. The Section represents nearly 2,000 attorneys from both the plaintiff and defense bar in Michigan. We are a voluntary section of the State Bar, and our positions do not represent the positions of the State Bar of Michigan.

I am here today to speak in opposition to Senate Bill 1240. Our members represent both plaintiffs and defendants in civil actions, and therefore are on opposite sides in the courtroom. Each side agrees, however, that laws limiting liability – and therefore limiting citizens' access to the courtroom – should not be adopted lightly.

In the case of SB 1240, the bill would grant near immunity from civil liability for administrators of child services organizations who failed to take action when confronted with allegations of child abuse. At a time when national headlines are filled with reports of systemic failures to prevent child abuse in major youth groups, churches and public universities, we can see no justification for extending special protections to individuals and organizations that look the other way when confronted with the horror of child sexual abuse.

Proponents of this legislation argue that organizations performing a governmental function – such as child foster care placement – should be afforded the same governmental immunity that state workers enjoy. However, if equity is the main goal, it could just as easily be achieved by removing special liability protections afforded to negligent government personnel. This is not an option the Negligence Section advocates, but we strongly oppose extending “governmental immunity” to the private sector.

This past year we have received many reminders of how organizations when confronted with possible embarrassment can choose to sweep allegations of child abuse under the rug. Senate Bill 1240 will remove one of the major counters to that tendency – the threat of civil legal action. We urge you to vote “no” on Senate Bill 1240.